

**GRANT COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF

P17-0079
17-0136

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND
CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Grant County Hearing Examiner on May 10, 2017, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. This conditional use permit application is from Mark Brown (Owner of Quincy Flying Service), for construction of a 50 ft x 115 ft (5750 sq. ft) airplane hangar.
2. The proponent is Mark Brown, PO Box 55, Quincy, WA 98848. The designated contact is Western Ranch Buildings, Attn: Simon Alaniz.
3. The subject area is an approximately 54-acre parcel (#20-1028-000). The address of the subject parcel is 19689 Rd 9.9 NW, Quincy WA 98848. The site is located in the NW quarter of Section 14, Township 20 North, Range 23 East, WM, Grant County, WA.
4. The zoning for the subject property is Agriculture.
5. The zoning for neighboring parcels is: To the north, Agriculture; to the south, Agriculture; to the east, Agriculture; and to the west, Agriculture.
6. The Comprehensive Plan designation for the subject property is Irrigated (Agriculture).
7. SEPA review was completed for this project and a Determination of Non-Significance was issued by Grant County on April 25, 2017.
8. Pursuant to and in compliance with GCC § 24.08 and GCC § 24.12, a critical areas review of the project area was conducted as part of the application process for this proposal. The NWI mapping showed a potential wetland on the parcel. After a site visit conducted March 29, 2017 it was determined that any potential wetlands were more than 300-ft. from the proposed development. The WDFW mapping identified this area as the Evergreen Ridge Babcock Ridge habitat area. However, the location of the proposed hangar is heavily disturbed which did not elicit any habitat study. The parcel was also identified as Outlook very fine sandy loam according to the Grant County Soil Survey. However, water erosion is slight and the site has no slopes greater than 2 percent. Therefore, no Geologic Hazard Study was required. The project site was found to be partially located in Flood Zone A which has an undetermined base flood elevation. Pursuant to GCC 24.08.630 the structure shall comply with any applicable Protection Standards in the International Building Code which include

but not limited to architectural solutions and grading or elevating the height of the structure. No other Critical Areas were found to be located on site.

9. A Public Notice containing information on this project was published in the Columbia Basin Herald on April 10, 2017, was mailed to property owners within 300 feet of the subject property, and was posted on the subject property. Information on this project was also mailed to applicable agencies of jurisdiction for their review and comment.
10. The following agencies and County departments provided comments:
 - 10.1 Grant County Fire Marshal responded on April 7, 2017;
 - 10.2 Grant County Building Department responded on April 11, 2017 and revised on May 1, 2017;
 - 10.3 Grant County Public Works Department responded on April 10, 2017;
 - 10.4 Grant County Assessor's Office responded on April 10, 2017;
 - 10.5 U.S. Bureau of Reclamation responded on April 20, 2017;
 - 10.6 WA State Department of Ecology responded on April 21, 2017.
11. The following agencies were notified but did not respond:
 - 11.1 Grant County Health District;
 - 11.2 Grant County Sheriff's Office;
 - 11.3 Grant County Auditor;
 - 11.4 Grant County Weed District #1;
 - 11.5 WA State Department of Transportation;
 - 11.6 Grant County PUD;
 - 11.7 Grant County Emergency Management;
 - 11.8 Grant County Treasurer's Office;
 - 11.9 Grant County Fire District #3;
 - 11.10 Quincy Columbia Basin Irrigation District.
12. **Agency Comments:** The following is a summary of comments received:
 - 12.1 **Grant County Fire Marshal:**
 1. All real development shall comply with all applicable local, state, and federal laws including but not limited to the establishment of fire flow (water supply) for fire suppression fire code requirements.
 - 12.2 **REVISED COMMENTS from Dave Nelson:**
 1. In lieu of some current information we have received for this hangar namely, that it is a private hangar and not a commercial one, we will not be asking for fire flow requirements we initially cites in the first review. Please let me know if there is anything else I can do.
 - 12.3 **Grant County Building Department:**
 1. Real development subject to all federal, state and local building & fire codes.
 - 12.4 **Grant County Assessor:**
 1. Parcel 20-1028-000 is a 54.00 acre piece of property with 3 hangars, 1 shop and 1 office; Owner is Quincy Flying Service Inc.; no issues.

12.5 Grant County Public Works:

1. An approach permit shall be obtained for County Road access.
13. The application was determined to be Technically Complete on April 4, 2017.
14. This proposal was processed as a Type III Quasi-Judicial Application, in accordance with Chapter 25.04 "Permit Application and Review Procedures" and Chapter 25.08 "Conditional Uses and Variances" of the Grant County Unified Development Code.
15. The subject parcel is in the Agricultural zoning district of Grant County. Pursuant to GCC § 23.04, Table 4, aircraft hangars are allowed as a Conditional Use in the Agricultural zoning district. As such, a Conditional Use Permit has been required for this proposal.
16. This proposal was reviewed for compliance with Chapter 24.08 "Critical Areas and Cultural Resources" of Grant County Unified Development Code. The project site was found to be partially located in Flood Zone A which has an undetermined base flood elevation. Pursuant to GCC 24.08.630 the structure shall comply with any applicable Protection Standards in the International Building Code which include but not limited to architectural solutions and grading or elevating the height of the structure. This requirement has been made a Condition of Approval of this permit.
17. This site is not within an Urban Growth Area (UGA).
18. On April 17th, 2017 the contact (Western Ranch Buildings) submitted new information via email that stated the hangar was for Mark Brown's (owner of Quincy Flying Service) personal aircraft not for the Quincy Flying Service business. This information did not change the need for the Conditional Use Permit. However, it did change the Building Departments requirement for fire flow. (See revised comments received 05-02-17).
19. GCC § 23.08 "Performance and Use Standards" contains no requirements specifically for aircraft hangars. However, if constructed as depicted in the submitted application materials, the proposed hangar will comply with applicable Development Standards of GCC § 23.12.
20. No visual screening was required because the hangar is for the private use of Mark Brown and the site is located away from any county roads or the highway.
21. The use of the hangar is for private purposes for Mark Brown the owner of Quincy Flying Service. Therefore, no additional parking was required.
22. On March 29, 2017 Planning Department staff conducted a site visit of the property.
23. The project is for a hangar structure, which is allowed with a Conditional Use Permit in the Agriculture zone.
24. Grant County Planning Staff reviewed and considered the application materials and the comments received for the proposal. Based on the proposed conditions of approval specified below, and the current design of the project, staff recommended approval of subject

Conditional Use Permit. The Hearing Examiner finds that this proposal complies with the zoning criteria as outlined:

- 24.1 The proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
 - 24.1.1 The use of the proposed building is not contrary to the intent and purposes of the Grant County or the Comprehensive Plan. The proposed building is a hangar for private use.
 - 24.1.2 This use will not be contrary to the intent of the Grant County Code and the Comprehensive Plan. Grant County Code allows for hangar buildings in the Agricultural zone with a Conditional Use Permit.
- 24.2 The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
 - 24.2.1 The proposed building is in keeping with existing buildings on the property. Post frame construction with painted steel roof and wall panel.
 - 24.2.2 The proposal is appropriate in design, character, and appearance with the goals and policies for the applicable land use designation. The new hangar will be similar in design to the existing structures on site. This project as conditioned will not be a detriment to any of those current uses listed above.
- 24.3 The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
 - 24.3.1 The proposed hangar will not cause significant adverse impact on the human or natural environment. The current use on this property is hangars and an airstrip.
 - 24.3.2 The proposed use will not cause significant adverse impacts on the human or natural environment. Conditions of Approval are in place to ensure that the proposal, if approved, will meet all applicable performance and/or development standards specifically the requirement to comply with the necessary Protection Standards listed in GCC 24.08.630 which include IBC code requirements for the Building Permit such as architectural solutions or elevating the height of the structure. To ensure compliance with these standards a Condition of Approval has been added.
- 24.4 The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
 - 24.4.1 The cumulative impact of this request for a hangar will not produce significant adverse effect to the environment. Existing use of the property is hangars and airstrip.

- 24.4.2 The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval because this hangar is for a private airplane on the Quincy Flying Service property.
- 24.5 The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
- 24.5.1 The proposal is currently served by adequate facilities – County Road 9.9 for access from Highway 28, Fire Department, proposed use will not use any water or septic.
- 24.5.2 The proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities. No adverse comments were received by agencies with jurisdiction therefore no specific conditions of approval were necessary for these facilities; except for obtaining an approach permit onto county roads.
- 24.6 The location, size, and height of buildings, structures, walls and fences and screening vegetation for the proposed use shall not unreasonably interfere with allowable development or use of neighboring properties.
- 24.6.1 The proposed building will not interfere with other allowable uses or neighboring properties.
- 24.6.2 The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties because the parcel is surrounded by properties zoned Agriculture and is more than 1,000-ft. away from any off-site residence. The hangar will be approximately 24' in height which is consistent with GCC § 23.12.
- 24.7 The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
- 24.7.1 The proposed hangar will not interfere with pedestrian use or vehicular traffic. Proposed building is 150' from Road 9.9 and will not increase vehicular traffic. No pedestrian use is present.
- 24.7.2 The pedestrian and vehicular traffic associated with the conditioned use will not be hazardous to existing and anticipated traffic in the neighborhood because the private hangar will not lead to any major changes in vehicular or pedestrian traffic. This project was sent to both Grant County Public Works and WA State Department of Transportation, neither agency submitted comments which would prevent the approval of the project.

- 24.8 The proposed conditional use will comply with all required performance standards specified in GCC § 23.08.
- 24.8.1 Proposed hangar will be in accordance with in GCC 23.08.
- 24.8.2 There are no specific Performance and Use Standards for hangar buildings in GCC 23.08. However, it will comply with all applicable Development Standards in GCC 23.12.
- 24.9 The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70).
- 24.9.1 Proposed hangar does not include a use that would result in the siting of an incompatible use adjacent to an airport or airfield (RCW 36.70.547) as it is not adjacent to a public airport.
- 24.9.2 The proposal does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield RCW 36.70 because the hangar being proposed will be approximately 19 miles away from the Ephrata Municipal Airport.
- 24.10 The proposal conforms to the standards specified in GCC § 23.12
- 24.10.1 This hangar proposal conforms to GCC 23.12.
- 24.10.2 The project, as conditioned, complies with all applicable development standards found in GCC § 23.12.
25. An open record public hearing after due legal notice was held on May 10, 2017.
26. The entire Planning Staff file was admitted into the record at the public hearing.
27. The Grant County Planning Department recommended approval of the requested permit, subject to the recommended conditions of approval.
28. Appearing and testifying on behalf of the applicant was Simon Alaniz. Mr. Alaniz testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Alaniz testified that all of the proposed conditions of approval were acceptable. He testified that there would be no residential use of this structure and that it would just be for airplane storage
29. No member of the public appeared at the hearing.
30. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this decision.

2. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Grant County Code and Comprehensive Plan.
3. As conditioned, the proposal does conform to the standards specified in Grant County Code Section 23.12.
4. As conditioned, the use will comply with all required performance standards as specified in Grant County Code 23.08.
5. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Grant County Code or the Comprehensive Plan.
6. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
7. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application P17-0079 & 17-0136 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The Applicant shall obtain all permits required by all federal, state and local agencies with jurisdiction.
3. There shall be no residential use of this airplane hangar without obtaining the appropriate permits.
4. The Applicant shall comply with all federal, state and local laws and regulations.
5. Construction shall proceed substantially as shown on the application materials on file with Grant County, except as modified by conditions below.
6. The applicant shall comply with all requirements as deemed necessary by the Grant County Planning Department, including but not limited to:
 - a. Applicant shall comply with any/all applicable requirements found in Grant County Code Chapter 23.12, Development Standards.
 - b. Applicant shall comply with necessary construction requirements under the International Building Code to comply with FEMA Floodplain Development standards.

- c. The landowner/applicant is responsible to determine if other permits and/or licenses will be required by other local, state, and Federal agencies. The landowner/applicant shall acquire all such permits and/or licenses as required.
 - d. Dust and emissions to the air associated with the development shall be controlled by utilizing Best Management Practices (BMPs) and dust control during construction. Water shall be used on-site for dust control as needed during construction.
 - e. Pursuant to GCC § 23.12.190, exterior lighting shall be energy-efficient and shielded or recessed so that glare and reflections are contained within the boundaries of the subject parcel.
7. The applicant shall comply with all requirements as deemed necessary by the Grant County Public Works Department, including but not limited to:
- a. An approach permit shall be obtained for County Road access.

Dated this 12th day of May, 2017.

GRANT COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Grant County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.